

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

IN RE: ) BANKRUPTCY CASE  
)  
MARTIN MORENO, JR., ) NO.: 21-02646  
)  
Debtor. ) CHAPTER 7  
)  
) JUDGE: JACQUELINE P. COX  
)

**NOTICE OF MOTION**

To: See attached service list.

PLEASE TAKE NOTICE THAT that on April 6, 2021 at 1:00 p.m., I will appear before the Honorable Judge Jacqueline P. Cox, or any judge sitting in Judge Cox's place, and present the Motion to Modify the Automatic Stay for LAKEVIEW LOAN SERVICING, LLC, a copy of which is attached.

**This motion will be presented and heard electronically using Zoom for Government.** No personal appearance in court is necessary or permitted. To appear and be heard on the motion, you must do the following:

**To appear by video,** (1) use this link: <https://www.zoomgov.com/>. (2) Enter the meeting ID 161 273 2896. (3) Enter the passcode 778135.

**To appear by telephone,** (1) call Zoom for Government at 1-669-254-5252 or 1-646- 828-7666. (2) Enter the meeting ID 161 273 2896. (3) Enter passcode 778135.

**When prompted identify yourself by stating your full name.**

**To reach Judge Cox's web page** go to [www.ilnb.uscourts.gov](http://www.ilnb.uscourts.gov) and click on the tab for Judges.

**If you object to this motion** and want it called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objection is timely filed, the motion will be called on the presentment date. If no Notice of Objection is timely filed, the court may call the matter regardless.

I, the undersigned Attorney, certify that I served a copy of this notice and the attached motion on each entity shown on the attached list at the address shown and by the method indicated on the list on March 29, 2021, at 5:00p.m.

McCalla Raymer Leibert Pierce, LLC

/s/Dana O'Brien

Dana O'Brien  
ARDC# 6256415  
1 N. Dearborn Suite 1200  
Chicago, IL 60602  
(312) 346-9088

**NOTICE OF MOTION ADDRESSES**

To Trustee:

*Served via U.S. Mail*

Trustee R Scott Alsterda  
Nixon Peabody LLP  
70 West Madison Street  
Suite 3500  
Chicago, IL 60602

To Debtor:

*Served via U.S. Mail*

Martin Moreno, Jr.  
2316 W. 48th Place., Apt. 2  
Chicago, IL 60609

Martin Moreno, Jr.  
18017 Sacramento Avenue  
Homewood, Illinois 60430

To Attorney:

*by Electronic Notice through ECF*

David M Siegel  
David M. Siegel & Associates  
790 Chaddick Drive  
Wheeling, IL 60090

McCalla Raymer Leibert Pierce, LLC  
Attorney For: Creditor  
1 N. Dearborn Suite 1200  
Chicago, IL 60602  
(312) 346-9088

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**MOTION TO MODIFY THE AUTOMATIC STAY**

NOW COMES LAKEVIEW LOAN SERVICING, LLC by and through its attorneys, McCalla Raymer Leibert Pierce, LLC, and requests that the Automatic Stay heretofore entered on the property located at 18017 Sacramento Avenue, Homewood, Illinois 60430 be Modified stating as follows:

1. On February 28, 2021, the above captioned Chapter 7 was filed.
2. LAKEVIEW LOAN SERVICING, LLC services the first mortgage lien on the property located at 18017 Sacramento Avenue, Homewood, Illinois 60430.
3. The debt is based on an August 14, 2018, Mortgage and Note in the original sum of \$174,480.00.
4. As of March 04, 2021, the funds necessary to pay off LAKEVIEW LOAN SERVICING, LLC on the above captioned account were approximately \$221,879.37. Additional interest advances and charges may have accrued under the security instrument through the presentment of this motion. The Debtor's schedules list the fair market value of said property at \$119,900.00. According to the Debtor's schedules, there are other liens on the property totaling \$207,000.00.

5. The account is currently due and owing to LAKEVIEW LOAN SERVICING, LLC for the April 2019 current mortgage payment and those thereafter.
6. Attorney's fees and costs for this motion are due in the amount of \$938.00.
7. The Debtor's mailing address is different from 18017 Sacramento Avenue, Homewood, Illinois 60430.
8. The Debtor has no equity in the property located at 18017 Sacramento Avenue, Homewood, Illinois 60430 for the benefit of unsecured creditors.
9. LAKEVIEW LOAN SERVICING, LLC continues to be injured each day it remains bound by the Automatic Stay.
10. LAKEVIEW LOAN SERVICING, LLC is not adequately protected.
11. The property located at 18017 Sacramento Avenue, Homewood, Illinois 60430 is not necessary for the Debtor's reorganization.
12. The Debtor has scheduled an intention to surrender the property. Upon information and belief, the subject property is currently vacant.
13. No cause exists to delay the enforcement and implementation of relief and Bankruptcy Rule 4001(a)(3) should be waived.

WHEREFORE, YOUR MOVANT PRAYS that the Automatic Stay be modified and that Bankruptcy Rule 4001(a)(3) should be waived as not applicable, and for such other relief as this Court deems just.

LAKEVIEW LOAN SERVICING, LLC

McCalla Raymer Leibert Pierce, LLC

By: /s/Dana O'Brien

Dana O'Brien

Illinois Bar No. 6256415

Attorney for Creditor

1 N. Dearborn Suite 1200

Chicago, IL 60602

Phone: (312) 346-9088

Fax: (312) 551-4400

Email: ILpleadings@mrpllc.com